

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Janet Heeter : Case No: 17-54260
Debtor(s) : Chapter 13 Judge: C KATHRYN PRESTON
: Filed 8/16/17 Amended plan

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income _____ Below median income X

X **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

X Trustee is unable to accurately determine length. **An order has not been entered on Debtor's motion to avoid liens related to the R/E located at 521 E Main St as proposed by paragraph 5.4.1 of Debtor's plan.**

Motion to Avoid ODJFS R/E liens has not been filed.

X Other: **Trustee calculates the OH Dept of tax lien for \$1684.86 is secured to only 1411.12. Plan is proposing to pay fully secured.**

Wells Fargo filed a poc on the 2nd mtg showing pre-petition arrearage due but plan is proposing to pay this mtg direct.

X **11 U.S.C. §1325(a)(4)**-Plan does not meet the best interest test.

X Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3). **Need conventional**

X **11 U.S.C. §1325(b)**-Plan does not meet disposable income test. **Per POC by Wells Fargo the 2nd mtg pymt is 45.86 mo; however, Sch J shows at 60 mo.**

X **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Need balance of 1st pymt = \$90**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for October 05, 2017, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: 1190 mo

Best Interest Dividend: 0% Dividend: 1%

Length: 0 Months

Dated: August 22, 2017

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085
(614) 436-6700
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: August 22, 2017

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300